

# **Fact Sheet**

## **THE CROSBY-PULLER COMBAT WOUNDS COMPENSATION ACT**

**Rep. Edward J. Markey**

### **Purpose:**

The bill would ensure that a member of the armed forces who is wounded or injured in a combat zone will continue to receive the special pays and allowances associated with service while recuperating from such wounds or injuries, so that cuts in such special pays and allowances would be delayed until he/she is either reassigned for duty or discharged from the Armed Services. The bill would remedy the injustice brought about by current practice, as demonstrated by the case of Lance Corporal James Crosby, which reduces combat pay and related benefits to a member of the armed forces after the soldier is evacuated from the combat zone, even though the consequences of combat duty continue long after the medical evacuation as the member and his/her family confront the increased costs of managing the recovery.

### **Section-by-Section Analysis**

#### **Section 1. Short Title.**

The Act may be cited as the “Crosby-Puller Combat Wounds Compensation Act.” It has been named after Lance Corporal James Crosby, USMC, wounded In Iraq during Operation Freedom, and Lt. General Lewis “Chesty” Puller, USMC, the most decorated Marine in the history of the Corps.

#### **Section 2. Continuation of Special Pays and Allowances for Members of the Armed Forces Wounded or Injured in Combat Zones.**

The following special pays and allowances associated with duty in a combat zone are amended in order to provide that a member of the armed forces remain entitled to such pay or allowances whenever he/she is removed for treatment of a wound or injury received while assigned to a combat area. Such pay/allowances would continue to be paid until the earliest of the following dates:

1. The date on which the member is found to be physically fit to perform the duties of the member’s office, grade, rank or rating.
2. The date on which the member is discharged or separated from the armed forces.
3. The date on which the member succumbs to his wounds.

This test would be applied to the following special pays and allowances:

1. Hazardous Duty Pay (Section 301 of Title 37, United States Code)

2. Aviation Career Incentive Pay for Officers (Section 301a of Title 37, United States Code)
3. Career Enlisted Flier Incentive Pay (Section 320 of Title 37, United States Code)
4. Hardship Duty Pay (Section 305, Title 37, United States Code)
5. Imminent Danger Pay (Section 310(b), title 37, United States Code)
6. Travel and Transportation Per Diem (Section 405, title 37, United States Code)
7. Family Separation Allowance (Section 427, Title 37, United States Code)

**Section 3. Repeal of Time Limitation on Exclusion of Combat Zone Compensation by Reason of Hospitalization.**

The existing Exclusion of Combat Zone Compensation by Reason of Hospitalization includes an arbitrary cut-off of this benefit 2 years after evacuation from the combat zone even if the member of the armed forces is still hospitalized. This section repeals the 2-year limit (Section 112(a)(2) and (b)(2), Internal Revenue Code of 1986) so that in the future, the exclusion will continue until the member has been discharged or reassigned for duty, or has succumbed to his/her wounds, whichever comes first.

**For further information, contact David Moulton or Nicole Encarnacao in Rep. Markey office at 202 225 2836.**

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